

REMARKS

The Examiner's communication dated October 5, 2009 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or bona fide attempt to advance the application to allowance. Reexamination and/or reconsideration of the application are respectfully requested.

Claims 33, 43, 46, 49, 50, 53-55, 58-64, 67, 68, 70, 71, 73, 74 and 76-81 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 6, 7, 12-24, 27-30 and 32-34 of U.S. Patent No. 6,742,966. The Examiner stated that the claims are not patentably distinct from each other because both call for an expansion shell assembly for mine roof bolts, comprising: an expansion member threaded onto an associated mine roof bolt; a support device annularly disposed around the associated roof bolt; and an expansion shell annularly disposed around the associated roof bolt between the expansion member and the support device, the expansion shell having a base ring for engaging the support device and fingers for engaging the expansion member, wherein the engagement between the base ring and the support device permits axial traverse movement of the support device into the expansion shell for tensioning the roof bolt after the fingers of the support device have been expanded into an associated wall defining a bore hole into which the associated mine roof bolt is inserted.

The Examiner stated that Applicant's terminal disclaimer was not proper (due to more than ten practitioners listed on the Declaration and Power of Attorney).

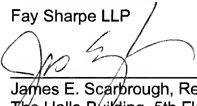
Applicant attaches herewith a Terminal Disclaimer to obviate the double patenting rejection(s) over the '966 patent. Accordingly, it is respectfully requested that the double patenting rejection(s) be withdrawn. Applicant also submits a new Declaration and Power of Attorney which overcomes the Examiner's objection.

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. Alternatively, if the Examiner is of the view that the application is not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences.

Respectfully submitted,

Fay Sharpe LLP

12/17/09
Date


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